

## Minutes – January 8, 2015

The following members of the Board were present at the County Commissioners' Meeting Room, Charles County Government Building, for a regular hearing of the Board of License Commissioners: Pamela Smith, Chairman, William B. Young, Vice Chairman, Guy N. Black, Thomasina Coates and Steve Lowe. Also appearing in support of the Board were M/Cpl. Judith Thompson, Inspector Greg Kiesel, Associate County Attorney Matthew Clagett, and Lisa Bailey, Clerk/Recording Secretary.

1. Upon a motion made, duly seconded and unanimously carried, the following temporary alcoholic beverage license applications were approved:

St. Ignatius Church, by Rev. Robert J. Kosty. Appearing on behalf of the applicant was Mary Pat Doherty, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor, inside the church hall on Saturday, February 14, 2015 from 5-8 p.m. for a fundraiser with maximum of 150 people expected to attend.

La Plata Volunteer Fire Department, Inc., by: Lynn D. Gilroy, for three (3) 1-day temporary alcoholic beverage licenses to sell/serve Beer, Wine & Liquor, inside the La Plata VFD Activity Hall from 7 p.m. to 2 a.m. the following morning, for Texas Hold'em Fundraisers on January 31; February 28; and March 28, 2015, with 75-100 people expected to attend each event.

Congregation Sha'are Shalom, by: George Gazarek, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor, inside the Social Hall, on Saturday, March 21, 2015, from 5-9 p.m., for a wine tasting with approximately 50 people expected to attend.

Sacred Heart Parish, by: Bill Wannall. Appearing on behalf of the applicant is Ruth Runyan, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor, inside the church hall, on Saturday, February 7, 2015 from 6:30-9:00 p.m. for a murder mystery dinner fundraiser with approx.. 80 people expected to attend.

2. Also appearing for two consecutive 1-day temporary alcoholic beverage licenses was Our Place Waldorf, by: Deanna Gerhart and witness Vicky Johnson. The application was to sell/serve Beer, Wine & Liquor, inside the Capital Clubhouse, on Saturday, April 4, and Saturday, April 25, from 6:30 to 11:30 p.m., as a vendor for Washington Golden Gloves Championship fights with approximately 800 people expected to attend each day.

Upon consideration of this application, the Board considered the drawing/diagram and details presented relating to crowd management, diagram and seating areas, alcohol management, parking, and other considerations of this large event held for the first time at Capital Clubhouse. The lease agreement with the County was vetted by the County Attorney's Office. This is the 19<sup>th</sup> year that the Championship fight has taken place. However, it is the first year for which a temporary alcoholic beverage license has been requested for this event to be held at a non-licensed facility. Therefore, the Board instructed the applicant to meet with M/Cpl. Judith Thompson to establish a better defined alcohol management and crowd management plan, and re-appear at the February hearing.

3. Don Litten, Charles County Building Code Officer and Duane Svites, Regional Supervisor, State Fire Marshal, appeared in regard to the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license transferred to Donald E. Byroads, III, Halfway Liquors and Bar, Inc., t/a Ollie's Bar and Grille, 6970 Hawthorne Road, La Plata, Maryland 20646, at the December, 2014, hearing. Officer Svites advised that the Use & Occupancy does not allow for live entertainment, as was presented to the Board at the transfer hearing, and that he intends to meet with the licensee to issue a Cease and Desist Order with regard to live entertainment events advertised for the premises. The Board reiterated that any approvals granted by the Board of License Commissioners for the sale and consumption of alcoholic beverages are conditioned upon the uses approved by the licensee's Use & Occupancy and all other required state and local permits.

4 The clerk provided a status update with regard to the renovations to the premises trading as Lefty's BBQ. From the Board's December, 2014 Minutes:

The Board reviewed the status of the alcoholic beverage license issued to Lefty's BBQ which has been closed for renovations due to a fire since December, 2013. The licensee previously anticipated re-opening sometime in August, 2014. The clerk was unable to contact licensees at the phone numbers provided for an update. However, their recording indicates that renovations remain underway and they anticipate reopening. The Board directed the licensees to appear at the January hearing to provide them with a status of the renovation project and to determine the status of the alcoholic beverage license.

The licensee advised in writing that "Lefty's Barbecue is currently waiting for the drawings for the hoods to be approved by the shopping center's insurance carrier. Once they are approved, the drawings will be submitted to County for their approval. Once County approves the drawings, we should have a more definitive date on when Lefty's should re-open. I will contact you by the end of February for an update."

5. The clerk provided a status update with regard to the pending approval for the premises trading as Woody's Tavern: From the Board's September, 2011 Minutes:

The Board ordered that this application for a new Class B-N (Nightclub) – Beer, Wine & Liquor (on sale only) alcoholic beverage license be approved contingent upon filing of a Health Permit, and Use & Occupancy Permit, within 90 days from the September 11, 2014 hearing date.

From the December, 2014 Minutes: "The Board approved the license on September, 2014, contingent upon build-out by the December hearing. The renovations continue and the license has not been issued. Mrs. Woodford expects to open in January, 2015 or will appear at January 8 hearing to provide an update to the Board."

The Board directed the Clerk to prepare a letter to the applicant advising that the license must be issued within 60 days of the January 8, 2015 hearing.

6. The clerk provided a status update with regard to the pending 2014 Renewal of the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license issued to Eugene Johnson t/a The Palador Store & Club update.

From the Board's June, 2014 Minutes:

"...Mr. Johnson continued to have outstanding issues with the Comptroller in regard to his 2014 renewal application. Upon a motion duly made, seconded and unanimously carried, the license died for failure to file the appropriate documents to renew."

From the Board's July, 2014 Minutes:

"...the Board approved a Request for Reconsideration of their recent decision to not renew the Class D - BWL (on/off) sale alcoholic beverage license issued to Eugene C. Johnson t/a The Palador Store & Club, 3360 Livingston Road, Indian Head, Maryland 20640. Upon a motion duly made, seconded and unanimously carried the Board renewed the alcoholic beverage license, contingent upon a Health and Safety Inspection for a current U & O."

And from the Board's December, 2014 Minutes:

"... Mr. Johnson again appeared before the Board as he has failed to complete the Health & Safety Inspection process and the license remains unissued. Mr. Johnson anticipates he will be reopening by the January hearing. The Board ordered that if the license fails to be issued by the January hearing date, he will appear at the January hearing."

Upon consideration of the Board's previous actions the Board instructed the Clerk to prepare a letter to the "pending" licensee indicating that if the contingencies are not met and the renewal not issued by the February hearing date, the conditional approval of the 2014 Renewal Application will be rescinded.

7. The clerk provided a status update with regard to the pending 2014 Renewal of the Class B – Beer, Wine & Liquor (on/off sale) alcoholic beverage license issued to Personal Representatives of the Estate of Carl R. Baldus, Jr., WIJV Restaurant, LLC, trading as Damon's - Holiday Inn, 45 St. Patrick's Drive, Waldorf, Maryland 20603.

From September, 2014 Minutes:

"This matter was recalled from the April 10, 2014 renewal hearing. Counsel to the applicant was David Martinez, Esq. The Board offered their sincere condolences upon the death of Barbara Baldus, Personal Representative of the Estate of Carl R. Baldus, Jr., WIJV Restaurant, LLC. Upon a motion duly made, seconded and unanimously carried, the Board agreed to allow the licensee until the next hearing to satisfy all outstanding matters with the Maryland Department of Assessments and Taxation and the Charles County Treasurers Office, and pay the annual license fee prior to the next meeting. Thereafter, the Board agreed to hold the license until renovations are complete, by the end of the calendar year.

Update: 1/5/15 – e-mail from Jake Grier: "We have been busy as heck with construction and pre-leasing of The Charleston Senior Community (formerly the Clarion Hotel). We are in the process of applying for a conditional U&O permit from the county and we anticipate having it before the end of this month. Buildings 1 and 2 (the former Damon's and the first resident building) are 95% complete as of now, however, building 3 is lagging behind with some electrical and plumbing issues. We are hoping to be officially open in April of 2015. I am available to come to the board meeting on Thursday if you think I should. Answer: Yes, appear at the Board's next meeting."

Jake Grier appeared at the hearing and indicated that he would follow-up with a written request that the 2014 Renewal request be withdrawn, and that an entity intends to file for a new Class B alcoholic beverage license once build-out is complete.

8. The clerk presented a status update with regard to the pending approval of the Class B – Beer, Wine & Liquor (on sale only) alcoholic beverage license for Potomac Boathouse Grille, advising that the license had not been picked up and the premises remains closed. The applicant initially appeared on June 12 and the Board ordered that the application be approved with contingencies and the license be picked up by September 15, 2014. As of this date, the credit rating for all three applicants; alcohol awareness certification, Use & Occupancy Permit, State of MD Sales Tax ID, Workers' Comp certification, remain outstanding. In October, the Board approved a 60-day extension and advised the applicant if the license is not picked up by the January, 2015 hearing to re-appear.

Upon consideration of the Board's previous actions the Board instructed the Clerk to prepare a letter to the "pending" licensee indicating that if the contingencies are not met and the license not issued by the February hearing date, the conditional approval will be rescinded.

9. Upon a motion duly made, seconded and unanimously carried, the Minutes of the December 11, 2014 hearing were approved as presented.

10. With no further business the meeting adjourned at 11:45 a.m. The next meeting is scheduled for February 12, 2015.